

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID HANDFORD,

Plaintiff,

v.

V. YAP,

Defendant.

Case No. 2:21-cv-00115-JDP (PC)

FINDINGS AND RECOMMENDATIONS
THAT THIS ACTION BE DISMISSED FOR
FAILURE TO PROSECUTE, FAILURE TO
COMPLY WITH COURT ORDERS, AND
FAILURE TO STATE A CLAIM

OBJECTIONS DUE WITHIN FOURTEEN
DAYS

On March 9, 2021, I screened plaintiff's complaint pursuant to 28 U.S.C. § 1915A. ECF No. 5. I notified plaintiff that the complaint failed to state a claim and granted him sixty days to file an amended complaint. *Id.* Plaintiff failed to timely file an amended complaint. Accordingly, on July 22, 2021, I ordered him to show cause within twenty-one days why this action should not be dismissed for failure to prosecute and failure to state a claim. ECF No. 8. I notified him that if he wished to continue with this lawsuit, he must file an amended complaint. I also warned him that failure to comply with the July 22 order would result in a recommendation that this action be dismissed. *Id.*

The deadline has passed, and plaintiff has not filed an amended complaint nor otherwise responded to the July 22, 2021 order. Accordingly, it is hereby ORDERED that the Clerk of Court shall randomly assign a United States District Judge to this case.

1 Further, it is RECOMMENDED that:

- 2 1. This action be dismissed for failure to prosecute, failure to comply with court orders,
3 and failure to state a claim for the reasons set forth in the March 9, 2021 order. *See* ECF No. 5.
4 2. The Clerk of Court be directed to close the case.

5 These findings and recommendations are submitted to the United States District Judge
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
7 after being served with these findings and recommendations, any party may file written
8 objections with the court and serve a copy on all parties. Such a document should be captioned
9 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
10 objections shall be served and filed within fourteen days after service of the objections. The
11 parties are advised that failure to file objections within the specified time may waive the right to
12 appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
13 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

14
15 IT IS SO ORDERED.

16 Dated: September 16, 2021


17 JEREMY D. PETERSON
18 UNITED STATES MAGISTRATE JUDGE

19
20
21
22
23
24
25
26
27
28